



BOARD OF PUBLIC WORKS & SAFETY APRIL 22, 2004 MINUTES

Board member Warren Beville called the meeting to order at 6:03 p.m.

PRESENT:	Board members Warren Beville, Mayor Henderson (arrived 6:08 p.m.), Kevin Hoover; Clerk-Treasurer Jeannine Myers; City Attorney Shawna Koons-Davis; and Director of Engineering Paul Peoni.
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Mr. Beville moved to approve the minutes of the regular session of April 8th, with second by Mr. Hoover. Vote: Ayes. Mr. Beville then moved to approve the minutes of the executive session of March 29th. Second by Mr. Hoover. Vote: Ayes.

Geneva Lucas, with her son Phil Lucas, residents of Miller Drive, came forward to describe damage to their private drive from Republic Services of Indiana. Ms. Koons-Davis told the Lucas' that the City does not have control over a private street but we could direct the trash contractor not to use Miller Drive. That would leave the problem of how their trash would be picked up. Opting out, she said, is one solution. Phil Lucas told the Board that they had asked the trash service not to use the heavy front loader and bring in the rear loader instead. Republic told them that the weight was the same. Ms. Lucas indicated that the cost to repair the street would amount to \$26,000. After more discussion, Mr. Beville moved to allow Mr. & Mrs. Lucas to opt out of the trash contract. Second by Mr. Hoover. Vote: Ayes. Mayor Henderson explained that private drives were never built to City specifications and will not hold up to heavy vehicles. The City will be glad to take those over, he added, if they are brought up to City specifications. We are not allowed to put taxpayer dollars into private streets. When Mr. Lucas asked about limb pickup on their street, the Mayor replied that would be the same kind of situation, because our truck is heavy. Mr. & Mrs. Lucas could bring the limbs to Madison or give the City a right-of-entry or an easement. Sweeping the streets is a separate issue entirely, said the Mayor. We receive MVH and LRS money from the State, and statute dictates how we spend that money.

Allen Pierce, pastor of Northern Park Baptist Church, approached the Board to ask for acceptance of the improvements and discuss how the Meridian Street Improvements Project affects the release of their performance Letters-of-Credit. Mr. Peoni recounted that they had posted a performance bond to cover the private dirtwork, storm sewer and erosion control for their infrastructure. For the sanitary sewer they had to bore under Main Street and repair some sidewalk panels to get to a manhole on the east side of Meridian. The City planned to have Hunt Paving put in all the accel/decel lanes on Meridian Street, the curb line, and install the sidewalk along with all the others in the project. The church then did not do the work in the right-of-way but did do the dirtwork, storm sewer and erosion control on-site. All that is in place, confirmed Mr. Peoni, and we have acceptable as-builts. Mr. Peoni explained that the bond estimate for the street and sidewalk improvements for the church was \$16,123.25, but the City will have to pay Hunt Paving for the improvements at the church site approximately \$18,200. Mr. Peoni's position is that the church should be responsible for some of the payment of the improvements. Mayor Henderson said that if the church had finished their project as originally planned the City would have had to take out the street and sidewalk improvements, which would have been more expensive. The Mayor then mentioned the inconvenience the project has caused the church and said he was not comfortable with asking them to pay that difference. Mr. Hoover then moved to:

- 1) Acknowledge that the private infrastructure dirtwork, storm sewer and erosion control have been installed in reasonable compliance with the design plans.
- 2) The improvements of sanitary were private and only bonded because of the boring that had to occur under Meridian Street to a manhole on the east side of Meridian Street.
- 3) Release performance Letter-of-Credit #STR19727 from Bank One in the amount of \$50,000 for the installation of the private infrastructure dirtwork, storm sewer, erosion control and sanitary sewer and the street and sidewalk improvements in the public right-of-way.

- 4) Release performance official check #491294432 in the amount of \$186 from Bank One for the installation of the private infrastructure dirtwork, storm sewer, erosion control and sanitary sewer and the street and sidewalk improvements in the right-of-way, all subject to:
 - a) Review and approval of final mylar as-builts.

Second by Mr. Beville. Vote: Ayes.

Mayor Henderson then invited Gail Richards, Director of the Greater Greenwood Chamber of Commerce to come forward. Mr. Hoover explained that the Chamber's anniversary ball will be held Saturday evening at the airport. Certificates of liability insurance had been obtained. Mr. Beville moved to approve the request to use the facility. Second by Mr. Hoover. Vote: Ayes.

Anthony Candlish of AmeriTrust Mortgage Services came forward regarding their request to redesign the intersection of Fry Road and Madison Avenue. Tom Ford of Edwards & Kelcey was present to answer questions. Mr. Ford explained that they would like to build on the east side of Madison Avenue, directly opposite Fry Road. That would require the reconfiguration of the intersection by creating a left turn lane. The existing concrete median would be reconfigured to allow for about a sixty-foot turn lane into their site, leaving about a sixty-foot lane into the video store. There will also be utility relocation costs and the traffic signal would need to be reconfigured, stated Mr. Ford. They are proposing to bury everything and relocate the controller. Mr. Ford believes it will be a very low volume of traffic during peak hours as they service most clients between 6:00 p.m. and 9:00 p.m. After discussion, Mr. Hoover moved to grant conceptual approval of the plan, subject to final review and approval of staff. Second by Mr. Beville. Vote: Ayes.

For Crooked Bend, Section 5A, Mike Ramsey of Projects Plus requested acceptance and execution of the offsite sanitary sewer easements. Mr. Peoni indicated that the easements had been prepared by the Law Department and the exhibits have been reviewed and are in order. Mr. Beville moved to accept the easements as presented, subject to final review by the Engineering Department. Second by Mr. Hoover. Vote: Ayes.

Mr. Ramsey had the same type of request for Brookhaven. This is on the east side of Paddock Road. The plans are still being reviewed for the sanitary sewer route and capacity, but Mr. Peoni indicated that everything is in order. Mr. Hoover moved to accept the offsite sanitary sewer easements, subject to final review and approval of staff. Second by Mr. Beville. Vote: Ayes.

Ken Zumstein of J. Greg Allen & Associates, on behalf of Allen Christy Executive Building in Dhondt's Willow Creek Subdivision, requested permission to encroach a drainage and utility easement for signage. He had letters from the utilities. Mr. Beville moved to allow the encroachment as described, noting that the signage is placed subordinate to the rights of the utilities and that J. Greg Allen & Associates assumes the risk of loss should the signage be damaged. Second by Mr. Hoover. Vote: Ayes.

For the Innovative Technologies Parking Lot at 601 E. Main, Mike Deer of Deer Engineering requested a waiver of storm detention requirements. Mr. Peoni saw no problem with the request. Mr. Hoover moved to grant the waiver request after final approval by staff. Second by Mr. Beville. Vote: Ayes.

Mayor Henderson reported that, per the Code Enforcement Officer, the nuisances at 11 Declaration Drive (China Buffet) and 2200 Independence Drive (Kroger) have been abated.

Jeff Fields of Cinergy brought a request to move their power poles at the lift station on 750N (Hurricane Creek) from an easement onto City property. After studying a map of the area and discussion, Mr. Beville moved to allow the request. Second by Mr. Hoover. Vote: Ayes.

Fire Chief Steve Dhondt requested permission to dispose of a copier that is 11 years old, that has no value to the City. Mr. Beville moved to find that the copier is no longer needed or is unfit for its original purpose and has no value, and to allow the Chief to dispose of it. Second by Mr. Hoover. Vote: Ayes.

On his Status of Tasks Mr. Peoni discussed Homecoming at University Park, Sections 1 and 2. He presented Inspection & Testing Agreements for sanitary and all other improvements. Mr. Beville moved to accept those agreements as discussed and ratify acceptance of the 50% checks. Second by Mr. Hoover. Vote: Ayes.

Human Resources Director Carolyn Gaier introduced David Stace of Gregory & Appel, who brought the property and liability insurance proposal for 2004/2005 (package in attachments of this meeting). After

extensive discussion, Mr. Beville moved to approve the premium costs for the coverage described on page 15 (A) for a total of \$303,541. Second by Mr. Hoover. Vote: Ayes. Mr. Stace presented two invoices that are included in that total of \$303,541.

Mr. Beville moved to accept the claims as presented through April 22, 2004. Second by Mr. Hoover. Vote: Ayes.

With no further business, the meeting adjourned at 7:10 p.m.